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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,871	10/31/2003	James Daniel Baldwin	81305-4000	9023
28765	7590	06/16/2006		
WINSTON & STRAWN LLP 1700 K STREET, N.W. WASHINGTON, DC 20006			EXAMINER LUM VANNUCCI, LEE SIN YEE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/697,871

Applicant(s)

BALDWIN ET AL.

Examiner

Lee Lum

Art Unit

3611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: all.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Addendum to Advisory Action

The After-Final Amendment will be entered into the application because it corrects minor issues. The arguments have been considered, but are nonpersuasive. Examiner reiterates all rejections, employing Nakagawa as obviating the majority of claims.

Applicant's arguments do not contradict the following disclosures provided in Nakagawa:

- a. A cavity exists within the frame structure, as clearly depicted in fig 4, and in which batteries Ba are clearly located. It is unclear why Applicant disputes this fact throughout the (ten-page) document.
- b. With respect to all arguments addressing the "struts" (presented throughout the ten-page document), Nakagawa discloses all such elements as discussed in the previous Office Action, thus obviating this apparent crux of the invention. It is noted that claim language is broad, despite a plurality of elements comprising the framework.
- c. Re arguments on pp 9-11, and "increas[ing] the torsional stiffness", the reference provides the structural elements obviating this broad characteristic, as discussed in the previous Office Action. A structural element requires no "special significance", as Applicant appears to argue, to obviate this limitation, but only that a secure frame arrangement be provided to support the anticipated forces and loads on the particular structure. Here, Nakagawa's framework including skin 18 clearly obviates this recitation.
- d. Re arguments on p12, and "groups of (longitudinal) struts", Examiner notes that at least Claim 32 recites "a...strut that runs generally longitudinally", emphasis added. Strut/element 51 is angled, so arguably obviates this limitation, as broadly and reasonably interpreted.

Additionally, Examiner discussed strut/element 42b, not "swing arm 42".

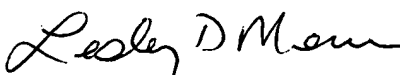
- e. Re p13, and "skin 18", this disclosed element obviates the respective limitations, despite Applicant's assertions otherwise. The skin clearly "closes openings (at least 75% of the openings)", as clearly depicted in fig 1, as well as contributing to "torsional stiffness" simply because it is secured to the framework.

f. Re the last paragraph on p14, Applicant asserts that Nakagawa's framework "absolutely fails to obviate" the increase of "torsional stiffness by a factor of at least 1.2". Examiner rebuts with: 1) this limitation is broadly and reasonably interpreted, and so is reasonably obviated with Nakagawa's integral framework, and 2) in turn, asks Applicant to provide "support" that the present invention does, in fact, provide this exact specification, if this limitation is to be argued with such specificity.

g. Re arguments on pp17-18, Applicant argues the combinations of Nakagawa with Stevenson, Ono, etc. Nakagawa is silent on structural materials, while Stevenson teaches aluminum. Nothing further is discussed in the rejection of Claim 30 but this teaching, therefore Applicant's arguments are unclear. Re Sugioka's teaching of "cavity dimensions", Applicant is apparently taking a literal translation (if not "arguing off a tangent") because it is obvious that this feature is simply application-dependent. It would have been obvious that a battery cavity would be appropriately located on the particular framework of the vehicle.

Therefore, all rejections are proper, and maintained.

Ms. Lee Lum-Vannucci
Examiner
6/7/06


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